

In re Appln. of Kump et al.
Application No. 09/379,051

REMARKS

The final Office Action mailed September 15, 2000 indicated the declaration to be defective because of non-initialed and/or non-dated alterations. The alterations in the declaration were made only to the address of one of the inventors, who apparently moved before she signed the formal document. Inasmuch as the alteration is considered to be non-substantive in nature, the Examiner obtained appropriate authorization and indicated in a telephone conference on November 30, 2000 that she would waive the requirement for a new declaration under the circumstances.

The Office Action further indicated that the assent did not comply with the provisions of 37 C.F.R. §§ 1.172 and 3.73. Submitted herewith is a copy of the original assignment establishing ownership of the invention, which was recorded at Reel 8152, Frame 162. It is respectfully requested that this objection be withdrawn.

The Office Action further objected to the procedural form of amendments to the claims and specification in the Amendment submitted May 26, 2000. Accordingly, included in this Amendment are the amendments previously requested to the specification and claim 12, as well as additional amendments to claims 10-17. The specific amendments made to the claims from the form originally filed with the request for reissue are shown in the attached document. Previously requested amendments are explained in greater detail in the Amendment dated May 26, 2000. It is respectfully submitted that the claims as amended are patentable over the prior art, and it is requested that the objections and rejections be withdrawn. As of this date, claims 1-9 have been allowed and claims 10-17 have been amended and are still pending.

More specifically, the Office Action rejected claims 11-17 under 35 U.S.C. § 112, second paragraph, due to the recitation of "the battery." Claims 11-17 have been amended to recite "the sealed lead-acid cell" consistent with independent claim 10.

Official

FAX RECEIVED

NOV 30 2000

GROUP 1700

In re Appln. of Kump et al.
Application No. 09/379,051


The Office Action also maintained the rejection under 35 U.S.C. § 102(b) based upon Stocchiero, indicating that the claims did not affirmatively require the cover to expand as grid growth occurs. Independent claim 11 has been amended herein to affirmatively state that "said expandable cover area expanding as grid growth occurs," rather than stating that it may flex as grid growth occurs. No new matter is added by way of these amendments (see, e.g., patent at col. 2, l. 65, through col. 2, line 2; col. 3, ll. 20-22). Accordingly, it is respectfully requested that the claims be passed to issuance. The proposed amendments to the claims were previously presented to the Examiner in draft form and received a favorable reaction in a telephone conference on November 27, 2000.

CONCLUSION

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue.

If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,


Pamela J. Ruschau, Reg. No. 34242
One of the Attorneys for Applicant(s)
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson
Chicago, Illinois 60601-6780
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

Dated: November 30, 2000

Official

FAX RECEIVED

NOV 30 2000

GROUP 1700